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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/719,683 09/26/96 RAO

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34M1/0211

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EXAMINER

ART UNIT PAPER NUMBER

3403

DATE MAILED: 02/11/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 2-4, 6-8, 10-12 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claims 2-4 are allowed.
4. ☒ Claims 6-8, 10-12 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Claim Rejections - 35 USC § 112

Claims 7, 8/7, and 11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 7 and related dependent claim 8/7 recite, "a portion of said inert gas is recycled from said drying unit through said gasification unit"; claim 7, lines 1-3. This language however appears to describe a desired result or method step, which has no clear limiting effect within the context of an apparatus claim. There is, moreover, no recitation of any means or structure (flow path, conduit, etc.) that would actually serve to recycle the inert gas.

It is additionally pointed out that claim language describing the recycle flow as "**from** said drying unit..." (emphasis added) is misleading. As shown in Figure 5, the inert gas is first introduced (via line 106) into the drying unit and then flows to the gasification unit. Any recycle gas must logically be construed as flowing back "**to**" the drying unit "**from**" the gasification unit.

Claim 11 depends from canceled claim 9 thus rendering claim 11 indefinite as to scope.

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Claims 10 and 12 are rejected under 35 U.S.C. § 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 10 and dependent claim 12 describe a pathway for inert gas (nitrogen) as ultimately leading "from said second heat exchanger to said combustion turbine"; claim 10, last line. This limitation however is vague and incomplete since inert gas is not a standard gas turbine feedstock and the claims never specify where and how the turbine system is intended make use of such a gas. Furthermore, this feature is not adequately covered by the disclosure. The preferred embodiment of Figure 5 includes no gas turbine structure but merely shows a schematic block labeled "COMBINED CYCLE". The combined cycle unit presumably includes a gas turbine engine, but there is no indication of how or why applicants intend to use free nitrogen or other such inert gas in the operation of that engine.

Claim Rejections - 35 USC § 102

Claims 6 and 8/6 are rejected under 35 U.S.C. § 102(b) as

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anticipated by Schiffers.

Schiffers discloses a power plant including a coal drying and gasification system similar to the present invention. Attention is called to Figure 1; note that nitrogen from air separation plant 5 flows via line 28 through heater 30, coal dryer 22, and then along with the coal to gasifier 4.


Allowable Subject Matter

Claims 2-4 are allowed.

Additional References

Wagener et al ('071 and '476) and Galow et al are cited as disclosing further pertinent examples of solid fuel drying systems.

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February 7, 1997


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ART UNIT 343